



Crl.O.P.No.28372 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No. 118 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.07.2023 at about 6.30 hours while the defacto complainant going to visit her land, the petitioner along with other accused had snatched her gold chain weighing about 60 grams. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has nothing to do with the alleged offence and there is no overt act against the petitioner. He would also submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with other accused have committed in theft of 60 grams of gold chain from the defacto complainant. The previous anticipatory bail application in Crl.OP.No.19578 of 2023, had been



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dismissed on 31.08.2023. The one change in circumstance is that the stolen property had been recovered and investigation has progressed. Taking that one factor into consideration, anticipatory bail is granted.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif-Cum-Judicial Magistrate, Thirukuvalai, Nagapattinam District**, on condition that the petitioner/A2 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner **to appear before the respondent everyday at 10.30 am., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.12.2023

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